

AMENDMENTS TO THE DRAWINGS

Applicant has attached replacement drawing sheets 1 containing amended drawing Figure 1.

Attachment: One replacement drawing sheets containing amended Figure 1.

REMARKS

Claims 1-11 are all the claims pending in the application. Claims 1, 10, and 11 have been amended to expedite the prosecution of the application.

I. Applicant's Statement of Substance of Interview and Claim Rejections - 35 U.S.C. § 103

Applicant thanks Examiner Suk Jin Kang for participating in the courteous and productive telephonic interview conducted by Applicant's undersigned representative on February 21, 2008 regarding the rejection to claims 1-4 and 7-11 under 35 U.S.C. § 103(a) as being allegedly unpatentable over Applicant's own Admitted Prior Art in view of Gia et al., and further in view of Raz et al and the rejections to claim 11 under 35 U.S.C. § 101 and 35 U.S.C. § 112, ¶ 1.

To summarize this conversation, Applicant's representative presented Applicant's position that the cited prior art fails to teach or suggest at least the requirement of the claims of "said degradation means make use of a module associated with each session, for carrying out said degradation, said module being determined by said first client." Applicant's representative further noted that the Examiner's construction of the Applicant's specification is incorrect and, in particular, that the Examiner incorrectly construed the Background of the Invention section of the specification. However, to expedite the prosecution of the application, Applicant's representative also presented an amendment to add the limitation that "said module relates to at least a impact of a degradation of at least one quality parameter on the quality at least one of said data flows claims" to claims 1, 10 and 11. The Examiner agreed that the claims, so amended, would clearly be allowable over the prior art. The Examiner further agreed that upon receipt of this response, the Examiner would issue a notice of allowance.

Further, as discussed below in more detail, Applicant's representative further presented Applicant's position that claim 11 complies with the requirements of both 35 U.S.C. § 101 and 35 U.S.C. § 112, ¶ 1. However, in order to expedite the prosecution of the application, the Applicant's representative proposed adding the limitation of a "tangible" computer readable medium. The Examiner agreed that, if so amended, claim 11 would comply with the all of the statutory requirements and would be allowable. Applicant has repeated the basis of Applicant's argument below for the convenience of the Examiner.

Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection of claims 1-11 and allow all the claims of the application.

II. Drawings

Applicant respectfully requests the Examiner withdraw the objections to the drawings in view of the self-explanatory amendments presented above.

III. Claim Rejections - 35 U.S.C. § 101

Applicant respectfully requests the Examiner withdraw the rejection to claim 11 under 35 U.S.C. § 101 in view of the self-explanatory amendments presented above. In particular, the Examiner indicated that computer readable medium could be interpreted to mean electromagnetic signals. Although Applicant submits that no change to the claim is necessary, to expedite the prosecution of the application, Applicant has added the limitation of "tangible computer readable medium."

IV. Claim Rejections - 35 U.S.C. § 112

Claim 11 is rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Applicant respectfully traverses the rejection.

Applicant respectfully submits that one of skill in the art at the time of filing the application would have immediately recognized the meaning of a computer readable medium and recognized that the inventor was in possession of the subject matter of claim 11 in view of the specification as filed.

Specifically, the specification inherently would inform one of skill in the art that the disclosed subject matter could readily take the form of a computer program stored in a computer readable medium. Given that the invention was made in a day and an age in which computers are commonplace in everything from wristwatches and telephones to automobiles, and are notoriously well known to operate with computer readable media, it is respectfully submitted that very little is required at this point to conclude that Applicant was in possession of the claimed invention including a computer readable medium.

Further, it would have been immediately clear that such a claimed computer readable medium would indicate a device such as a hard drive, a compact disc, random access memory, read only memory, flash memory, or any other type of medium which a computer may read. A computer readable medium is inherent in and intrinsic to the operation of the invention as described in Applicant's originally-filed specification.

As such, Applicant respectfully requests the Examiner withdraw the rejection of claim 11 under 35 U.S.C. § 112, first paragraph.

V. Allowable Subject Matter

Claims 5 and 6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. Applicant thanks the Examiner for indicating that claims 5 and 6 are allowable if rewritten. However, Applicant respectfully holds the rewriting

of these claims in abeyance as Applicant believes the above response will eliminate the need to rewrite the claims.

VI. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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